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14 *The Blackstone Group, LP*

15 **UNITED STATES DISTRICT COURT**
16 **DISTRICT OF NEVADA**

17 NEFFERITTI DIENG,
18
19 Plaintiff,

20 v.

21 HILTON GRAND VACATIONS
22 COMPANY, LLC & HILTON
23 WORLDWIDE & THE BLACKSTONE
24 GROUP, INC. & LaDARRIAN McGEE,
25
26 Defendants.

Case No.: 2:10-CV-1723-LDG-PAL

**DEFENDANTS HGVC and BLACKSTONE
GROUP LP'S PROPOSED DISCOVERY
PLAN AND SCHEDULING ORDER**

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29 On November 24, 2010, HILTON GRAND VACATIONS COMPANY, LLC ("HGVC")
30 and THE BLACKSTONE GROUP LP ("Blackstone") (collectively "Defendants") sent a letter to
31 Plaintiff Nefferitti Dieng setting a teleconference for December 3, 2010 at 9 a.m., Pacific
32 Standard Time for the mandatory Rule 26(f) conference at which the parties would discuss filing
33 a joint discovery plan and scheduling order. Plaintiff did not participate in the December 3, 2010
34 teleconference. Nor did she call Defendants to set an alternate date or time for the teleconference.

1 As of the date of filing this proposed discovery plan and scheduling order, counsel for
2 Defendants has received no communication from Plaintiff regarding the discovery plan. Thus,
3 pursuant to Fed. R. Civ. P. 26(f), Defendant hereby submits the following proposed discovery
4 plan and scheduling order.

5 1. **Initial Disclosures:** The initial disclosures to be made pursuant to Fed. R. Civ. P.
6 26(a)(1) shall be made by **December 17, 2010**.

7 2. Unless otherwise limited by subsequent stipulations, the parties shall be allowed to
8 conduct discovery to the full extent permitted under the Federal Rules of Civil Procedure.

9 3. The attorneys of record in this matter are registered for electronic filing with this
10 Court. Any documents electronically filed with this Court are deemed to be sufficiently served
11 on the other party as of the date that the document is electronically filed with the Court.

12 Pursuant to LR 26-1(e), the parties do hereby additionally stipulate to the following
13 discovery plan and scheduling order.

14 1. **Discovery Cut-Off Date(s):** Discovery will take 180 days, measured from
15 **November 3, 2010**, which is the date Defendants answered or otherwise appeared in the case.
16 This does not exceed the 180 days presumptive outside limit LR 26-1(e)(1) sets for completing
17 discovery, and means all discovery must be commenced in time to be completed by **May 2, 2011**.

18 2. **Interim Status Report:** The interim status report may be filed no later than
19 **March 3, 2011**, which is not later than sixty (60) days before the discovery deadline.

20 3. **Amending the Pleadings and Adding Parties:** The last day to file motions to
21 amend pleadings or to add parties is **February 1, 2011**, which is not later than ninety (90) days
22 prior to the close of discovery.

1 4. **Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):** The disclosure of experts and
2 expert reports shall occur by **March 3, 2011**, which is not later than sixty (60) days before the
3 discovery deadline. Disclosure of rebuttal experts and their reports shall occur by **April 4, 2011**,
4 which is not later than thirty (30) days before the discovery deadline.

5 5. **Dispositive Motions:** Dispositive motions may be filed no later than **July 1,**
6 **2011**, which is sixty (60) days after the discovery deadline. In the event that the discovery period
7 is extended from the discovery cut-off date set forth in this Joint Discovery Plan and Scheduling
8 Order, the date for filing dispositive motions shall be extended for the same duration, to be no
9 later than thirty (30) days from the subsequent discovery cut-off date.

11 6. **Settlement:** Settlement cannot be evaluated at this time.

12 7. **Pretrial Order:** The pretrial order shall be filed by **August 1, 2011**, which is not
13 later than thirty (30) days after the date set for filing dispositive motions (the 30th day falls on a
14 Sunday). In the event dispositive motions are filed, the date for filing the joint pretrial order shall
15 be suspended until thirty (30) days after the decision of the dispositive motions or until further
16 order of the Court. In the further event that the discovery period is extended from the discovery
17 cut-off date set forth in this Joint Discovery Plan and Scheduling Order, the date for filing the
18 joint pretrial order shall be extended in accordance with the time period set forth in this
19 paragraph.

21 8. **Later Appearing Parties:** A copy of this discovery plan and scheduling order
22 shall be served on any person served after it is entered or, if additional defendants should appear,
23 within five (5) days of their first appearance. This discovery plan and scheduling order shall
24 apply to such later appearing party, unless the Court, on motion and for good cause shown, orders
25 otherwise.
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1 9. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** LR
2 26-4 governs modifications or extensions of this discovery plan and scheduling order. Any
3 stipulation or motion must be made not later than twenty (20) days before the discovery cut-off
4 date which is **April 12, 2011**, and comply fully with LR 26-4.

5 10. **Fed. R. Civ. P. 26(a)(3) Disclosures:** The disclosures required by Fed. R. Civ. P.
6 26(a)(3), and any objections thereto, shall be included in the pretrial order
7

8 Dated this 9th day of December, 2010.

9 JACKSON LEWIS LLP

10
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17 *Attorneys for Defendant HGVC and*
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19 **ORDER**

20 IT IS SO ORDERED this 14th day of December, 2010.

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23 UNITED STATES MAGISTRATE JUDGE